IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

RP.No. 157 of 2006(S)

AGAINST THE JUDGEMENT/ORDER IN COC.236/2005 Dated 13/01/2006
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REVIEW PETITIONER/2ND RESPONDENT IN COC:

A. SAYEED, S/O.ABDUL KAREEM, AGED 47 YEARS, R/AT KUNNANA VEEDU, THAZHAMEL, ANCHAL P.O., KOLLAM DIST., PIN-691 306.(FORMERLY WORKING AS THE SECRETARY, ANCHAL GRAMA PANCHAYAT & PRESENTLY WORKING AS THE SECRETARY, KULATHUPPUZHA GRAMA PANCHAYATH, KULATHUPUZHA P.O., KOLLAM DISTRICT)

BY ADV. SRI.V.J.JAMES

RESPONDENTS: 1ST RESPONDENT & PETITIONER IN CONTEMPT CASE(C):
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1. **SHRI.VIJAYANAND, SECRETARY, LOCAL SELF GOVERNMENT (E) DEPARTMENT, GOVERNMENT OF KERALA, TRIVANDRUM.**

2. **ASSANARKUNJU, SALIM COTTAGE, THAZHAMEL, ANCHAL P.O., KOLLAM DISTRICT.**

BY ADV. SRI. B.KRISHNAMANI
BY GOVERNMENT PLEADER SRI. R. LAKSHMI NARAYANAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

K.BALAKRISHNAN NAIR, J.

R.P. NO. 157 OF 2006 IN

CONTEMPT CASE (C) NO.236/2005

ORDER

Heard. Since the review petitioner has already been transferred, further proceedings against him may be dropped, it is prayed. The learned counsel for the 2nd respondent herein, who is the petitioner in the contempt application, seriously opposes the said prayer. When the judgment was rendered, the petitioner herein was the Secretary of the Panchayat and thereafter, at the time of initiation of contempt proceedings, he was there, it is pointed out.

2. But, going by the materials produced by him in this R.P., it is clear that he had taken all efforts to implement the judgment of this Court. But, the Panchayat Committee overruled him. Now, he is transferred from the said Panchayat also. Therefore, even though the petitioner herein has technically committed contempt of this Court, I think it is not expedient or necessary to proceed further in the matter against him and refer the case for trial to the Division Bench. Accordingly, the proceedings against the review petitioner in C.C.(C) No.236/2005 are dropped. The 2nd respondent

herein, who is the petitioner in the contempt application may implead the present Secretary of the Panchayat in the contempt proceedings.

The R.P is disposed of as above.

19th October, 2007. **K.BALAKRISHNAN NAIR, JUDGE**.

Nm/